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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,447	12/12/2003	Ulrich Bruening	09219-US	9676

7590

07/07/2004

Jimmie R. Oaks
Patent Department
DEERE & COMPANY
One John Deere Place
Moline, IL 61265-8098

EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,447

Applicant(s)

BRUENING, ULRICH

Examiner

Alicia M Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/12/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Objections

1. Claim 10 is objected to because of the following informalities: there is lack of antecedent basis for "the angle". Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wuebbels et al. '643, hereafter Wuebbels '643, in view of Firdaus '396.

Wuebbels '643 discloses in a machine for mowing of stalk-like crop including a mowing and intake drum (10) mounted for rotation about an upright axis with an intake function being carried out by a conveying disk (14) that can be brought into movement and is equipped with drivers (15) distributed around the circumference for the transport of the stalks of plants, a stripper element (unnumbered) being mounted adjacent said conveying disk (14) such that said drivers (15) pass through a stripper slot (unnumbered), defined by said stripper element, during the operation.

However, Wuebbels '643 fails to disclose wherein at least one of said drivers of said conveying disk is provided with a remover that is appropriate for the removal of plant material from the stripper slot, the improvement comprising: said remover being fastened to said at least

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one of said drivers so as to be easily disassembled, whereby said remover may be easily replaced when it becomes worn, as per claim 1;

wherein said remover is elongate and is connected to said at least one of said drivers only in opposite end regions of said remover, as per claim 2; and

wherein said drivers are defined as a plurality of spaced teeth defining a plurality of recesses about a circumference of said conveying disk;

and said remover having a radially inner end that has a plug-in connection with said conveying disk at a radially inner location of one of said recesses, as per claim 3; and

wherein a radially outer end of said remover is bolted to said disk, as per claim 6; and

wherein a radially outer end of the remover is welded to the disk, as per claim 7; and

wherein the length of said weld at said radially outer end of said remover is no more than half the length of said remover, as per claim 8; and

wherein said remover makes an angle with a radial line passing through said upright axis, with said radially inner end of said remover leading said radial line relative to a forward direction of rotation, as per claim 9; and

wherein said angle is approximately 15° , as per claim 10.

Firdaus discloses a similar device wherein at least one of said drivers (21) of said conveying disk (20) is provided with a remover (22) that is appropriate for the removal of plant material from the stripper slot (35), the improvement comprising: said remover (22) being fastened to said at least one of said drivers so as to be easily disassembled, whereby said remover (22) may be easily replaced when it becomes worn, as per claim 1;

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wherein said remover (22) is elongate and is connected to said at least one of said drivers (21) only in opposite end regions of said remover (22), as per claim 2; and

wherein said drivers (21) are defined as a plurality of spaced teeth defining a plurality of recesses about a circumference of said conveying disk (20);

and said remover (22) having a radially inner end that has a plug-in connection with said conveying disk (20) at a radially inner location of one of said recesses, as per claim 3; and

wherein a radially outer end of said remover (22) is bolted to said disk, as per claim 6; and

wherein said remover (22) makes an angle with a radial line passing through said upright axis, with said radially inner end of said remover (22) leading said radial line relative to a forward direction of rotation, as per claim 9; and

wherein said angle is approximately 15° , as per claim 10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the remover of Firdaus on the drivers of Wuebbels '643 in order to aid in conveying and comminuting heavier loads.

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to weld the remover to the disk, as per claims 7 and 8, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Allowable Subject Matter

4. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Finn, Snyder et al., and Hundt have been cited as of interest.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
June 28, 2004